

**Manatee Protection Plan Review Committee (MPPRC)
Minutes of July 1, 2009**

Committee Attendees: Brett Bibeau; Richard Bunnell; T. Spencer Crowley III; Judith Futerfas; David Gardner; Lynda Green; Alberto Lamadrid; Mark Lewis; Kate Mansfield' Ph.D; Robert Moser; Manny Prieguez (Chair); Dick Townsend (Vice Chair); Julia Zaias, Ph.D;

County Staff Attendees: Lee Hefty (DERM); Susan Markley, Ph.D. (DERM); Craig Grossenbacher (DERM); Lisbeth Britt (DERM); Molly Messer (DERM); Nancy Revilla (DERM); Matt Davis (DERM); Lisa Spadafina (DERM); Forrest Shaw (DERM)

Other Attendees: A sign in sheet was provided for public sign in.

1. Welcome, Introductions, and Review of Agenda: A quorum was established. The meeting was called to order by Chair Manny Prieguez at 1:00 P.M. The meeting was recorded on video.

The Chair announced that the MPPRC's sunset extension of three months was unanimously approved by the Board of County Commissioners on June 30, 2009. The Chair then acknowledged that DERM's Assistant Director, Lee Hefty, had requested that Dr. Markley be allowed to present information on manatee mortality. Dr. Markley presented information to the committee; to respond to questions by some committee members and to update manatee death data that had been presented more than one year ago, before all current members had been appointed to the committee. The information presented included information on location and causes of manatee deaths over time. She noted that there has been a change in the leading known cause from floodgate deaths to vessel collision. She indicated that county-wide, manatee deaths from vessels strikes have increased over the 30 year period of record and that the highest proportion of deaths caused by vessel strikes are clustered within 5 miles of the Miami River and Port of Miami area. Dr. Markley presented detailed information from Florida Fish and Wildlife Conservation Commission necropsy reports of carcasses recovered from the Miami River and its tributaries, which demonstrate that the majority of these animals died as result of acute trauma, and were unlikely to have moved large distances after injury. She also showed the results of a U.S. Army Corps of Engineers Circulation Model of the Biscayne Bay area, which indicates that the net flow of water is out of the Miami River. Thus, if a manatee is killed in the bay, the carcass could not drift significant distances up-river. Likewise an animal that is killed up-river could drift to the bay due to the prevailing flow of the River into Biscayne Bay.

The committee members asked questions about the presentation related to the following topics: 1) mortality data presented for the Miami River; 2) clarification of some of the slides presented; 3) comparison of population growth with numbers of deaths.

Several committee members commented that the mortality data doesn't entirely encompass the impact on the manatee population and that other factors need to be considered. These factors include chronic injuries, low reproduction rates, the use of all tributaries and water bodies by manatees for sensitive behavior, and the types of vessels that are the least compliant with speed zones. Additional discussion occurred among the committee members related to vessel types and use in the Miami River.

Chair Prieguez asked whether the increase in vessel-related mortality could be a reflection of better data collection. Dr. Markley said that since the State has been collecting carcasses over

the past two decades, the program has been rigorous and consistent. She mentioned that reporting of dead manatees by the public is an important factor, and may have contributed to some improvement. However, this does not explain the increases in proportion or total number of vessel related mortalities.

2. Review and Discussion of Committee Suggestions

Chair Prieguez began the discussion of recommendations made by MPPRC members, based on a list that he put together with assistance of DERM staff summarizing the topics. Each committee member received a copy of this list at the start of the meeting. The Chair explained that a vote on any of these topics does not ensure that they will result in a recommendation; rather it will open the item for additional discussion.

Chair Prieguez then commented that before the Committee moves forward, they should vote and consider the sentiment put forth by Ms. Green, that the plan should not be changed at all. If the MPPRC as a whole supports that, then further discussions are not even warranted. Ms. Green responded that at this point she feels that the plan should be updated to be more stringent, as she made her prior recommendation before Dr. Markley's presentation today that demonstrated that mortality is increasing. The order in which the listed topics should be addressed was also discussed.

The Chair then asked for a motion on this agenda item. Dr. Zaias moved that "These items that are listed here and the few that may yet come shall be open to discussion about whether or not they will be included or amended in the plan." David Gardner seconded the motion. Mr. Moser requested clarification about the motion, specifically if the motion means that the items on the list will be voted on. The Chair responded, "They may or may not, we are just going to discuss them" in response to Mr. Moser's question. All members present voted unanimously in favor of the motion.

A discussion then began among the committee members on the topic of "increased focus on application of manatee data." Mr. Lewis stated that he made this recommendation and clarified that his intent was that the discussion not so much about the data, but more about the need to consider and apply the manatee data with greater priority in all discussions. The discussion included suggestions and ideas from the committee members concerning the types of data that were necessary, how data would be presented and the use and significance of the data in making recommendations concerning the MPP. Other issues discussed included identification of data gaps, the length of time the data is valid and where the data should be included in the plan.

Dr. Markley reminded the committee that the ordinance creating the MPPRC requires that data be compiled by DERM in a report to the committee. She further stated that the data in the DERM report will focus on is the type of data that is required by the FWC, which is the most important part.

Chair Prieguez stated that the discussion on this topic will continue at the next meeting and that the committee will be focused on the topics and not deal with anything else, other than the meeting minutes. He closed the discussion to allow for public comments.

3. Public Comment

Ed Swakon, President of the Miami Marine Council, expressed that the MPPRC was making the scope of the task overly broad and they should concentrate on the recommendations made in previous meetings, including public comments. He stated that the plan only needs a few modifications and updates to the data. He recommended that the committee focus on the effect of the plan on development and regulation, as well as ongoing management. He believes the discussion list is not clear. Mr. Swakon expressed his opinion that slip transfers should be allowable county-wide and not just in restricted areas, and reminded the committee that he had proposed a “matrix” for assessing possible transfers. He stated that the slip “bank” concept has never been discussed and Broward County has already been told by FWCC that they will not approve it. With regard to the single family slip issue, Mr. Swakon stated that there are regulatory issues related to how jet skis or tenders are counted toward allowable powerboat slips and that needs to be clarified. Finally, Mr. Swakon stated that the committee has a fairly easy task ahead of them simply because the plan has been fairly effective the way it is.

Mr. Lamadrid asked Mr. Swakon to explain his matrix concept from the last meeting.

Katie Tripp, Director of Science and Conservation from Save the Manatee Club, urged the Committee to see the benefits for permitting and business when a good plan has been approved. She described examples from two other counties where weaknesses in or absence of an approved plan have resulted in restrictions on the permitting of new docks. Dr. Tripp stated that the Miami-Dade MPP is a good plan and the State has not required changes or imposed these types of restrictions on development. The current plan is based on science and should remain that way. Dr. Tripp pointed out that the Mote study shows that boater usage and patterns have not changed, so the current plan is a good “blueprint” of existing conditions. She stated that the Miami River remains a refuge for manatees and that manatee use has increased. She stated that the River can only sustain so many vessels at once and the recent dredging to increase depth is not relevant when it comes to the necessity for manatees to surface for air. She stated that the MPP should not be used to recoup slips that have been lost as a result of land use changes. She opined that water taxis don’t belong downtown where the most sensitive areas manatee areas are. Dr. Tripp outlined the definition of “take” in the Federal Endangered Species Act and stated that the number of manatees being killed by human causes already exceeds the allowable limit by Federal Law. She cautioned that methods used in other local MPP’s may not apply, since manatee use and boating situations differ from one county to another.

Vanessa Lane, constituent of District 7, spoke on behalf of the Board of the Marine Animal Rescue Society (MARS) and pointed out that the current MPP is working; the FWC has confirmed this in letters. Ms. Lane suggested that to change the plan to make it less restrictive would risk more impacts to manatees. She emphasized that the State considers the Miami River to be critical manatee habitat. Ms. Lane stated that MARS does not believe the issue is about increasing enforcement, changing speed zones or more education, but rather that more boats on the water mean more manatee mortalities. She cited a study by FWC published on December 3 which indicated that all types and sizes of vessels in Florida are capable of causing lethal and sub-lethal impacts to manatees, even at relatively slow speeds. MARS recommends that the MPPRC make the recommendation that the MPP not be changed.

Jessica Lee, a student at FIU, complimented DERM on their data compilation which she found clear and informative. She opined that the new data supports the current MPP especially in relation to protection in tributaries and for seagrass beds. Ms. Lee stated that based on the data presented, it would be unreasonable for the committee to make any recommendations that would result in more boats on the water. She also discussed concerns with slip transfers in critical habitats, marina expansions, water taxis and the resultant potential impacts to manatees. Ms. Lee stated that changes allowing for increased frequency and overlap of vessels in critical habitat would not be consistent with the data and would be a waste of tax payer's dollars used for the review of the plan and for obtaining data.

Danielle Washington explained she is a founder of the Big Blue and You Foundation, a non-profit organization that aims to inspire youth to be better stewards of the marine environment. She suggested that the committee stay focused on the plan; base their decisions on the science; and think of the youth of Miami when making decisions. She recommended that there be no changes to the plan unless it is made stronger.

Caitlin McClaron spoke on behalf of Tropical Audubon Society. She said that environmental and economic responsibilities are not separate. She reminded the committee of the importance of the ecosystem when it comes to the economy and marine related industries. Ms. McClaron reiterated the comments of others, stating that the data is clear about the overlap of boating and manatee use and that any changes to the plan that would result in increased boater traffic is counterintuitive.

Theodora Long, a Miami River resident for thirty years and past alternate member on the Miami River Commission, said that she attended the public hearing last April and feels that the MPPRC has not moved forward at all since then. She is concerned that not all of the members of the committee have the safety of the manatee as the number one priority. Ms. Long stated that contrary to a statement during the meeting, small vessels do speed up the Miami River. She conveyed to the committee that jet skis in particular are violating the speed zones. She believes that manatees are moving offshore to safer waters for sensitive behaviors. She reiterated that the safety of the manatee should be the number one priority of the committee.

Amanda Quirke suggested that the plan be kept flexible when it comes to marine facility siting and docking guidelines because data and circumstances change over time. She recommended that the marine facility criteria be defined so that it can be considered consistently with the regulatory requirements of State & Federal agency permitting requirements.

Chair Prieguez closed the public comment at 4:20 PM and allowed for Committee comments.

Some members of the committee pointed out that MARS has recommended that no changes, including greater restriction, be made to the MPP. Ms. Lane stated that her organization favors more protection, but reiterated that in spite of the data, there is a risk that any changes may reduce the manatee protection provisions of the current MPP.

Ms. Futerfas asked Ms. Long about her opinion on slip transfers. Ms. Long stated that based on her understanding, she does not support it because it would result in more boats in areas where there are manatees.

Ms. Green then stated that she is changing her position to support the MARS recommendation and will not support any plan changes.

Proposed date for next regular meeting(s): Wednesday July 29, 2009 from 1:00 P.M. - 4:30 P.M. The July 10, 2009 scheduled meeting is to be cancelled. At the next meeting, the Committee will attempt to schedule all subsequent meetings to ensure maximum participation for voting.

4. Review of draft meeting minutes of June 3, 2009:

Mr. Bibeau made the motion that the draft minutes be approved. The motion was seconded by Mark Lewis. Ms. Green requested discussion because she wanted to ensure that her remarks were included in the record for the previous meeting when she showed committee members a picture of a manatee that was killed at the mouth of the Miami River. She said that she had stated at that meeting that the manatee was killed in the Miami River, because its wounds were so severe. She added that death statistics and data are important but all the boat strikes cause suffering. She further stated that manatees are loved by the people of Florida and that was acknowledged by the Governor when he would not remove them from the endangered species list. Dr. Zaias mentioned that she had reviewed the DVD recording and that Ms. Green's statements were captured. Ms. Green agreed that as long as her comments are captured on the video recording she had no objections to the minutes as proposed. The June 3, 2009 minutes were then unanimously approved as presented based on the aforementioned motion.

Mr. Lamadrid requested permission to show a 5-10 minute video at a future meeting. Chair Prieguez stated he would allow it if there were no objections from other members. Hearing none, he requested that Mr. Lamadrid provide DERM staff with the video. Once it has been provided, Chair Prieguez will discuss with DERM staff its placement on a future meeting agenda.

The meeting adjourned at 4:50 P.M.